Kaffee

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J. Ho 5

We have now taken a general but a very imperfect Survey of Man. We have traced his Nature, and enumerated some of his many and diversified Powers. We have ~~seen~~ beheld him as an Individual: We have ~~seen~~ beheld him in Society: We have seen him a Son, a Brother, an Husband, a Father: We have examined him as a Member of a State and of a System of States: We have considered him as a Citizen at large of this terrestrial Sphere: We have anticipated his Exalted State as an Inhabitant of celestial Worlds.

In himself, in every Relation, in which he stands; ~~in every Situation, for which he is destined~~; we have abundant Reason to see and to feel the important Truth, with which we began our Researches concerning the Philosophy of Man — Know thou thyself. In every Period of our Existence, in every Situation, in which we can be placed, much is to be known, much is to be done, much is to be enjoyed: But all that is to be known, all that is to be done, all that is to be enjoyed, depends upon the proper ~~Management~~ Exertion and Direction of our numerous Powers ~~of Intelligence and Action~~. In this immense Ocean of Intelligence and Action; are we left without a Compass and without a Chart? Is there no Polar Star, by which we may regulate our Course? Has the all-gracious and all-wise Author of our Existence formed us for such great and such good Ends; and ~~are we~~ has he left us, without a ~~Guide~~ Conductor to lead us in the Way, by which those Ends may be attained? Has he made us capable of observing a Rule? — And has he furnished us with no Rule, which we ought to observe? Let us examine these Questions — for they are important ones — with Patience and with Attention. Our Labours will, in all Probability, be amply

-ply repaid: ~~We shall probably find that God has not left him-self without a Witness, nor us without a Guide~~: We shall probably find that to direct the more important Parts of our Conduct, ~~he~~ the bountiful Governor of the Universe has been graciously pleased to provide us with a Law; and that, to direct the less important Parts of it, he has made us capable of providing a Law for ourselves.

That our Creator has a supreme Right to prescribe a ~~Rule~~ Law for our Conduct: And that we are under the most perfect Obligation to obey that Law, — are Truths established on the clearest and most solid Principles.

In the Course of our Remarks on that Part of Sir William Blackstone's Definition of Law, which includes the Idea of a Superior as essential to it, we marked, with particular Care, that it was only with Regard to human Laws that we controverted the Justness or Propriety of that Idea. It was incumbent on us to mark this Distinction particularly; for with Regard to ~~such~~ Laws ~~that are~~ which are divine, they truly come from a Superior — from him who is supreme.

Between Beings, who, in their Nature, Powers and Situation, are so perfectly equal, that Nothing can be ascribed to one which is not applicable to the other, there can be neither Superiority nor Dependence. With Regard to such Beings, ~~no Reason can be~~ assigned why any one should ~~usurpe~~ assume Authority over others, which may not, with equal Propriety, be assigned why each of those others should assume Authority over that one. To constitute Superiority and Dependence, there must be an essential Difference of Relation, on which those Relations may be founded.+

+ Burl. 82, 83.

Some allege, that the sole Superiority of Strength, or, as they express it, an irresistible Power is the true Foundation of the Right of ~~imposing an Obligation and of~~ prescribing Laws." This Superiority of Power gives," say they," a Right of

"signing, by the Impossibility in which it places others, of re-
+ Burl. 83. "sisting him, who has so great an Advantage over them"+.

Others derive the Right of prescribing Laws and im-
posing Obligations from superior Excellence of Nature. "This,"
say they, "not only renders a Being independent of those,
"who are of a Nature inferior to it; but leads us to believe
"that the latter was made for the sake of the former". For a
Proof of this they appeal to the Constitution of Man - "Here,
~~say~~ tell us they, the Soul governs, as being the noblest Part. On this
same Foundation," they add, "the Empire of Man over the
" Burl. 83. "brute Creation is built."

Others, again, say, that, properly speaking, "there is only
"one general Source of ~~Obligation~~ Superiority and Obligation.
"God is ~~the~~ our Creator: ~~of Man~~ In him we live and move and have
"our Being: From him we have received our intellectual and
"our moral Powers: He, as Master of his own Work can pre-
"scribe to it whatever Rules to him shall seem meet. Hence
"our Dependence on our Creator: Hence his absolute Empire over
= Burl. 83. 87. "us: ~~And hence~~ This is the true Source of all Authority.

With Regard to the first Hypothesis, it is totally insuffi-
cient; nay, it is absolutely false. Because I cannot resist, am I o-
bliged to obey? Because another is possessed of superior Force,
am I bound to acknowledge his Will as the Rule of my Con-
duct? Every Obligation supposes Motives that influence the
Conscience and determine the Will, so that we should think
it wrong not to obey, even if Resistance was in our Power. But
a Person, who alleges only the Law of the strongest, proposes no
Motive to influence the Conscience or to determine the Will.
Superior Force may reside with predominant Malevolence. Has
Force exerted for the purposes of ~~unjust~~ Malevolence, ~~with~~ a Right to command? - Can
it impose an Obligation to obey? No. Resistance to such Force is
a Right; and if Resistance can prove effectual, it is a Duty also.

Or

In some Occasions, all our Efforts may, indeed, be useless; and an Attempt to resist would frustrate its own Aim: But, on such Occasions, the Exercise of Resistance only is suspended; the Right of Resistance is not extinguished: We may continue, for a Time, under a Constraint; but we come not under an Obligation: We may suffer all the external Effects of superior Force; but we feel not the internal Influence of superior Authority.[+]

+ Burl. 85, 86.

The second Hypothesis has in it something plausible; but on Examination, it will not be found to be accurate. Wherever a Being of superior Excellence ~~of Nature~~ is found, his Excellence, ~~ought,~~ as well as every other Truth, ought, on proper Occasions, to be acknowledged; we will go farther; it ought, as every Thing excellent ought, to be esteemed. But must we go farther still? In Obedience the necessary Consequence of honest Acknowledgment and just Esteem? Here we must make a Pause — we must make some Enquiries before we go forward. In what Manner is this Being of superior Excellence connected with us? — What are his Dispositions with Regard to us? By what Effects, if by any, will his superior Excellence be displayed? Will it be exerted for our Happiness; or, as to us, will it not be exerted at all? We acknowledge we esteem Excellence; but till these Questions are answered, we feel not ourselves under an Obligation to obey it. If the Opinion of Epicurus concerning his Divinities — that they ~~were~~ were absolutely indifferent to the ~~Affairs~~ Happiness and Interests of Men — ~~be~~ was admitted, for a Moment; the Inference ~~will~~ would unquestionably be — that they were not entitled to human Obedience.[a]

a Burl. 91.

" Burl. 86. 87

~~In~~ The third Hypothesis ~~there remains~~ contains a solemn Truth; and which it ought to be examined with Reverence and Awe. ~~This Hypothesis~~ It resolves the supreme Right of prescribing Laws for our Conduct, and our indispensable Duty of obeying those Laws, into the Omnipotence of the Divinity. This Omnipotence let us humbly adore. Were we to suppose — but the Supposition cannot be made —

that

Epicurus se tollit, orationem pulvinaqui deos. Deinde si maxime talis est deus, ut nulla gratia, nulla hominum caritate tenatur; valeat: quid enim dicam, propitius sit? + Cic. Nat. D. l. 1. c. 116.

that infinite Goodness could be disjoined from almighty Power — but we cannot — must not proceed to the Inference: No — it never can be drawn; for from almighty Power infinite Goodness can never be disjoined. ~~No — By infinite Goodness the Sum of the omnipotent Dom is meant~~

Let us join in our weak Conceptions what are inseparable in their incomprehensible ~~Prototype~~ Nature — infinite Power — infinite Wisdom — infinite Goodness; and then we shall see, in its resplendent Glory, the supreme Right to rule, we shall feel, the ~~with~~ conscious Sense of the perfect Obligation to obey.

~~By~~ His infinite Power ~~to~~ enforces his Laws, and carries them into full and effectual Execution. By his infinite Wisdom ~~he~~ knows and chooses the fittest Means for accomplishing the Ends which he proposes. His infinite Goodness proposes such Ends only as ~~are benign and beneficent~~ promote our Safety. By his Power, he is able to remove what, ever may possibly injure us, and to provide whatever is conducive to our Happiness. By his Wisdom, he knows our Nature, and our Failings and our Interests: He cannot be mistaken in the Designs which he proposes, nor in the Means, which he employs to accomplish them. By his Goodness, he proposes our Happiness, and to that End directs the Operations of his ~~Wisdom and~~ Power and Wisdom.

Indeed, to his Goodness alone we may trace the Principle of his Laws. Being infinitely and eternally happy in himself, his Goodness alone could move him to create us, and give us the Means of Happiness.+ The same Principle, that moved him creating, moves his governing Power. The Rule of his Government we shall find to be dictated by his own paternal Command — Let Man pursue his own Felicity on the Foundation of Happiness. What an enrapturing View of the moral Government of the Universe! Pour all Goodness infinite reigns, guided ~~and~~ supported by unerring Wisdom and supported by almighty Power!

+ Beat. Ed. 385

What an instructive Lesson to those, who think, and are encouraged by their Flatterers to think, that a Portion of divine Right is communicated to their Rule. If this really was the Case; their Power ought to be subservient to their Good:

ness

ness, and their Goodness should be employed in promoting the Happiness of those, who are entrusted to their Care. But Princes, and the Flatterers of Princes ~~of low pre-~~ ~~sumptuous~~ are guilty, in two Respects of the grossest Error and Presumption. They claim to govern ~~reign~~ by divine Institution and Right. The Principles of their Government are repugnant to the Principles of that Government, which is divine. ~~They plume themselves on the gaudy~~ The Principle of the divine Government is Goodness. They plume themselves with the gaudy Insignia of Power,

Shakesp. " ~~a little Brief Authority~~ ". +

A.

When a supreme Right to give Laws exists, on one Side; and a perfect Obligation to obey them exists, on the other Side; this Relation, of itself, suggests the Probability that Laws will be made.

When we view the inanimate and irrational Creation around and above us, and contemplate the beautiful Order displayed in all its Motions and Appearances; is not the Supposition unnatural and improbable – that the rational and moral World should be abandoned to the ~~Rapacity~~ Frolicy of Chance, or to the Ravages of Disorder? What would be the State of Man and of Society, were every one at full Liberty to do as he listed, without any fixed Rule or Principle of Conduct, without any Restraint to deter them – a Sport of the fierce Gusts of Passion, and the fluctuating Bellows of Caprice? ~~To be well~~

N.B. 62. To be without Law is not agreeable to our Nature; because ~~to be~~ if we were without Law, we should find, many of our Talents and Powers hanging upon us like useless Encumbrances. Why should we be illuminated by Reason, were we only made to obey the Impulse of irrational Instinct? Why should we have the

A Well might Nature's Poet say –

— Could great Men thunder,
As Jove himself does, Jove would ne'er be quiet;
For every pelting, petty Officer
Would use his Heaven for Thunder;
Nothing but Thunder. Merciful Heaven!
Thou rather with thy sharp and sulphurous Bolt
Splitt'st the unwieldy and gnarled Oak,
Than the soft Myrtle: O, but Man! proud Man,
Dressed in a little brief Authority,
Most ignorant of what he's most assured,
His glassy Essence; like an angry Ape,
Plays such fantastic Tricks before high Heaven,
As make the Angels weep. +

+ Shakesp. Meas. for Meas. Act. 2.

the Power of deliberating, and of balancing our Determinations, if we were made to yield implicitly and unavoidably to the Influence of the first Impressions? Of what Service to us would Reflexion be, if, after Reflexion, we were to be carried away irresistibly by the Force of blind and impetuous Appetites?+

+ Burl. 140.

Without Laws, what would be the State of Society? The more ingenious and artful the two-legged Animal Man is, the more dangerous he would become to his Equals. His Ingenuity would degenerate into Cunning; and his Art would be employed for the Purposes of Malice. He would be deprived of all the Benefits and Pleasures of peaceful and social Life: He would become a Prey to all the Distractions of Licentiousness and War.

" Burl. 141.

Is it probable — we repeat the Question — is it probable that the Creator, infinitely wise and Good, would leave his moral World in this Chaos and Disorder?

If we enter into ourselves, and view with Attention what passes in our own Breasts — If we open our Ears, and listen to the Voice of the Monitor within us; we shall find that what, at first, appeared probable, is proved, on closer Examination, to be certain; we shall find that God has not left himself without a Witness, nor us without a Guide.

Pag. 141.

(Here insert what is contained in N°. 3. concerning Delegates)

The

The Law of Nature is perfect; for the Law of Nature is the Will of God; and the Will of a Being all-powerful, all-wise, and all-good necessarily implies the highest Perfection. It contains the best and best-adapted Instructions for Man, in every Situation, and in every Relation, in which his Creator has been pleased to place him. It instructs us in our Duty to our God, to our fellow-Men, and to ourselves: It is fitted to promote Glory to God in the highest, on Earth Peace, and good Will towards Men: It is known, as has been already observed, partly by the moral Sense ~~and Reason~~, partly by Reason, and partly by the Express Promulgation of its divine Author.

= Puff. 152–158
‡ Puff. 151–180.
‡ Puff. 135.
= ‡ Puff. 135. n.

The Law of Nature is immutable. ~~Though it has established by the divine Will~~, it is not the Effect of an arbitrary Disposition; but because It has its Foundation in the Nature, Constitution and mutual Relations of Men and Things. While these continue, it must continue the same also. This Immutability of Nature's Laws has Nothing in it repugnant to the supreme Power of an all-perfect Being. Since he himself is the Author of our Constitution, he cannot but command or forbid such Things as are necessarily agreeable or disagreeable to this our Constitution; ~~and consequently he cannot make any thing in the Laws of Nature~~. He is under the glorious Necessity of not contradicting himself: This Necessity, far from limiting or diminishing his Perfections, adds to their external Character, and points out ~~all~~ their Excellency.

* Vat. 3.
† Burl. 190 Gro. 11.

The Law of Nature is universal: ~~It binds all Men without Exception~~: For it is true, not only that all Men are equally subject to the Command of their Maker, but it is true also, that the Law of Nature, having its Foundation in the Constitution and State of Man, has an essential Fitness for all Mankind; and binds them without Dispensation.

‖ Burl. ~~188~~. 189.

The

This Law ~~of Nature~~, or right Reason, as Cicero calls it, is thus beautifully described by that eloquent Philosopher: "It is, indeed," says he, "a true Law, conformable to "Nature, diffused among all Men, unchangeable, eternal. "By its Commands it calls Men to their Duty; by its Prohi- "bitions, it deters them from Vice" — "To diminish, to alter, "much more to abolish this Law is a vain Attempt. Neither "by the Senate nor by the People can its powerful Obligation "be dissolved: Nor does it require an Interpreter or Commen- "tator. It is not one Law at Rome, another at Athens; one Law "now, another hereafter: It is the same eternal and immutable "Law, given at all Times, and to all Nations: For God, who is its "Author and Promulgator, is always the sole Master and Sovereign "of Mankind. Whoever violates this Law renounces his Nature, "and declares himself an Alien to Them apply: But he will "be suffer severe Punishment on this Account; though he may escape it in the common Calamities of Things.

+ Burl. 191. 192. Gen. Rules — no Harm &c.

"Man never is," says the Poet in a Tone of Complaint, "but "always to be blest." The Sentiment would certainly be more consolatory; and, I think, more just, if we were, to say Man ever is; for always to be blest. That we should have more and better Things ~~in Prospect~~ before us than all that we have yet acquired or enjoyed is undeniable, and a most ~~[illegible]~~ desireable State. The Reflection on this Circumstance ~~in our Education~~ for future Ages, our Sense of the Importance of our present Attainments and Advantages produces, ~~on~~ at least, ~~[illegible]~~ ~~[illegible]~~ ~~[illegible]~~

It is the ~~happy~~ glorious Destiny of Man ~~and of Society~~ to be always pro-
-gressive. Forgetting those Things that are behind, it is his Duty and
Aim: Hastening to press on towards those that are before. In the Order
of Providence, ~~with Regard to the present State of Things~~ as he has kept pleased on another Occasion,
the Progress
of Society towards Perfection resembles that of an Individual.
~~That~~ Their Progress has hitherto been but slow; by many unpropitious
Events it has been often interrupted; but it may we not indulge
the pleasing Expectation, that, in future, it will be accelerated, and
will meet with fewer and less considerable Interruptions. Many
Circumstances seem, at least to a Mind anxious to see it and
apt to believe what it ~~wishes~~ is anxious to see – many Circumstances seem
to indicate the Opening of such
a glorious Prospect. The Principles and the Practice of Liberty, in
more than one Quarter of the World ~~Prevail~~ are spreading and gaining ground. When Liberty prevails, the Arts
and Sciences lift up their Heads and flourish: When the Arts
and Sciences flourish, political and moral Improvements ~~moral Improvement~~ will likewise be found
made. All will receive from each, and each will receive from
all mutual Support and Assistance: Mutually supported and assisted, all may
be carried to a Degree of Perfection, not hitherto known, perhaps
~~not hitherto~~ indeed believed. "Men", says the sagacious Hooker, "if we
view them in their Spring, are, at the first, without Understanding
or Knowledge at all. Nevertheless, from this utter Vacuity they
grow by Degrees, till they become at length to be even as the
Angels themselves are. That which agreeth to the one now, the
other shall attain unto in the End: They are not so far disjoin-
-ed and severed, but that they come at length to meet." Our Pro-
-gress in Virtue certainly ought to bear a just Proportion to our
Progress in Knowledge. Morals are ~~certainly~~ undoubtedly capable of bei-
-ng carried to a much higher Degree of Excellence than
the Ancients, excellent as they are. Hence we may infer that,

+ Hook. b. 1. c. 6. p. 8.

the

the law of Nature, though immutable in its Principles, will be progressive in its Operations and Effects. Indeed the same immutable Principles will direct this Progressive in ~~in those progressive Operations and Effects~~ every Period of his Existence, ~~In all its progressive stages~~, the law which the ~~Deity~~ Divine Wisdom has appointed, ~~will direct~~ for the Man will not only be ~~not only~~ fitted to the contemporary Degree, but will be calculated to produce in future a still higher Degree of Perfection.

Rights and Duties

A Delineation of the Laws of Nature has been often attempted. Books, under the Appellations ~~and tys~~ of Institutes and Systems of that Law have often been published. From what has been said concerning it, the most finished Performances executed by human Hands cannot be ~~no more than rude and imperfect~~ ~~Skeletons~~. But most of them have been rude and imperfect to a very unnecessary; some, to a shameful Degree. A more perfect Work, than has yet appeared upon this great Subject, would be a most valuable Present to Mankind. Even the most general Outlines of it cannot be expected from me, at least in the present Course of Lectures.

The Law of Nature, when applied to States or political Societies, receives a new Name — that of the Law of Nations. This Law, important in all ~~Countries~~ States, is of peculiar Importance in ~~the United States, but Slaveryes~~ free ones. ~~All~~ States in America are certainly entitled to the ~~appellation~~ denomination of Appellation. A weighty Part of the public Business is transacted by the Citizens at large. They ~~elect~~ appoint the Legislature, and, either mediately or immediately, the executive Servants of the public. As the Conduct of States must greatly depend upon those, to whom ~~are to make and execute those Laws~~ the Direction of that Conduct is entrusted; it is highly ~~important upon those~~ necessary that those, who are to ~~approve the Conductors of~~ protect the Rights and to perform the Duties of the Commonwealth should be ~~persons~~ Men of proper Principles, Talents and Character: If so; it is highly necessary that those who appoint them should be able, in some Degree at least, to distinguish and select those Men, whose Principles, Talents and Character are proper. In order to do this, it is greatly useful that they have at least some just and general ~~Conception~~ Knowledge of those Rights that are to be protected, and of those Duties that are to be performed. Without ~~some such just and general Knowledge~~ this they will be unable to form a rational Conjecture concerning the future Conduct of those, whom they are to elect: Nay what is more, without some such general and just Knowledge, they will be unable to form a rational Judgment concerning the past and present Conduct of those, whom they have already elected; and consequently will be unable to form a rati-

onal

-on a Determination whether, at the next Election, they should re-appoint them, or substitute others in their Place. As the Practice of the Law of Nations, therefore, must in a free Government, depend very considerably on the Acts of the Citizens, it is of high Import that, among those Citizens its Knowledge be generally diffused.

But if the Knowledge of the Law of Nations is greatly useful, ~~and, in some Degree necessary~~ to those who ~~are to~~ appoint, it must surely be highly necessary to those who are appointed the public Servants and Stewards of the Commonwealth: Can its Interests be properly managed — can its Character be properly supported — can its Happiness be properly consulted by those, who know not what it owes to others, what it owes to itself, what it has a Right to claim from others, and what it has a Right to provide for itself? In a free Commonwealth the ~~Road~~ Path to public Service, and to public Honour is open to all: Ought not all, therefore, sedulously endeavour to become Masters of such Qualifications as will enable them to tread this Path with Credit to themselves, and with Advantage to their County?

In the United States, a System of Republics, the Law of Nations acquires an Importance still more peculiar and distinguished. In the United States, the Law of Nations operates upon peculiar Relations, and upon those Relations, with peculiar Energy. Will am I justified in, very ~~Proper~~ Decent, in announcing the Dignity and ~~Importance~~ Rights of the Subject, upon which I am now to enter.

On all Occasions, let us beware of being misled by Names. Though the Law, which I am now to consider, re-

-ceives

-ceives a new Appellation; it retains, unimpaired, its ~~Nature~~ Qualities and its Power. The Law of Nations as well as the Law of Nature is of Obligation indispensable: The Law of Nations as well as the Law of Nature is of Origin divine.

The Opinions of many concerning the Law of Nations have been very ~~imperfect~~ vague and unsatisfactory; and if such have been the Opinions, we have little Reason to be surprised that the Conduct of Nations has so often been diametrically opposite to the Law, by which it ought to have been regulated. In the Judgment of some Writers, it would seem, for Instance, that, neither the State which commences an unjust War, nor the Chief, who conducts it, derogate from the general Sanctity of their respective Characters. An ardent Love of their Country they seemed to have thought a Passion too heroic to be restrained within the narrow Limits of systematic Morality; and those have been so often considered as the greatest Patriots, who have contributed most to gratify the prevailing Passion for Conquest and Power. States, as well as Monarchs, have too frequently been blinded by Ambition. Of this there is scarcely a Page in ancient or in modern History relating to national Contention, ~~that~~ but ~~will not~~ furnish the most glaring Proofs. The melancholy Truth is, that the Law of Nations, though founded on the ~~clearest and~~ most solid Principles of natural Obligation, has been ~~conceived~~ but imperfectly viewed in Theory, and has been ~~but~~ much disregarded in Practice.*

* 2. Mod. 189. 190

The profound and penetrating Bacon was not insensible to the imperfect State, in which he found the Science of the Law of Nations. ~~There is Reason to believe, that~~ As in another Science, that ~~gave the~~ enlightened philosophic Genius pointed to the Discoveries of a Newton; so, in this, he laid a Foundation for all Practicability for the Researches of a Grotius.[11] For we have Reason to believe, as we are told by Barbeyrac, that it was the Study of the Works of Ld. Bacon that

[11] Barb. Pref. to Puff. 68.

first

first inspired Grotius with the Design of writing a System concerning the Law of Nations. In this Science Grotius did much; for he was well qualified to do much: ~~Uncommon Strength of Understanding, acquired Judgment, profound Meditation,~~ extensive Knowledge, prodigious Reading, indefatigable Application to Study, ~~a sincere Love of Truth~~ all these were his. Yet with all these he was far from being as successful in Law as Sir Isaac Newton was in Philosophy. He was unfortunate in not setting out on right and solid Principles. His celebrated Book of the Rights of War and Peace is ~~highly~~ extremely useful; but it ought not not to be read without a due Degree of Caution; nor ought all his Doctrines to be received without the necessary Grains of Allowance. At this we ought not to wonder, when we consider the Extent, the Variety and the Importance of his Subject, and that, before his Time, it was little known and much neglected. His Opinions concerning the Source and the Obligation of the Law of Nations is very defective. He separates that Law from the Law of Nature, and assigns to it a different Origin. "When many Men," says he, "at different Times and Places, unanimously affirm the same "Thing for Truth; this should be ascribed to a general Cause. In the "Subjects treated of by us, this Cause can be no other than either "a just Inference drawn from the Principles of Nature; or an uni-"versal Consent. The first discovers to us the Law of Nature; the "second, the Law of Nations." The Law of Nations, we see, he draws from the Principle of universal Consent. The Consequence of this ~~would be~~ is, that the Law of Nations ~~would be~~ would be obligatory only upon those by whom that Consent was given, and only by Reason of that Consent: The farther Consequence would be that the Law of Nations ~~would~~ would lose a Part, and the greatest Part of its obligatory Force, and ~~would also be~~ would also be restrained as to the Sphere of its Operations. That it would lose the greatest Part of its obligatory Force sufficiently appears from what we have said at large concerning the Origin and Obligation of natural Law, asserting it to be the Will of God. That it would be restrained as to the Sphere of its Operations, appears from what Grotius himself

[1] Gro. prol. s. 41.

himself says, when he explains his Meaning in another Place. He qualifies the Universality of his Expression by adding these Words "at least the most civilized Nations," and he afterwards says that this Addition is made "with Reason". In the least civilized Nations, therefore, the Law of Nations would not, according to his Account of it, be obligatory.

+ Grotius 14.

" Gro. 14.

I admit that there are Laws of Nations — perhaps it ~~was~~ is to be wished that they were designated by an appropriate Name; for Names, after all, will have their Influence upon Opinion — I freely admit that there are Laws of Nations, which are founded altogether upon Consent. Natural Law of Nations, obligatory solely by Consent. ~~The Customary Law of Nations must be laws~~ Both Kinds are certainly voluntary. A. ~~become laws~~ solely by Consent. ~~But the conventional and voluntary and the customary Laws of Nations are in their Laws and Power, as different from the Law of Nations properly so called, as the municipal Laws of a State are different from the Law of Nature properly so called, or~~ ~~But the voluntary Laws of Nations are different from the Law of Nations, properly so called, as Power, different as Reason~~ ~~Power, and the conventional and customary Laws of Nations are equally~~ The Law of Nations, properly so called, are under the Control of the Law of Nations properly so called, as municipal Laws are under the Control of the Law of Nature. The Law of Nations, properly so called, is the Law of Nature applied to States and Sovereigns. The Law of Nations properly so called is the Law of States and Sovereigns obligatory upon them in the same Manner, and for the same Reasons as the Law of Nature is obligatory upon Individuals. Universal and unchangeable indispensable is the Obligation of both.

2 Burl. 4.

But it will naturally be asked — If the Law of Nations bears, from this Account of it, Nearness — the same Relation to States, which the Law of Nature bears to Individuals: If the Law of Nature and the Law of Nations are accompanied with the same obligatory Power, and are derived from the same common Source; why should the Law of Nations have a distinct Name? Why should it be considered as a separate Science? Some have

thought

A.

But the municipal Laws of a State are not more different from the Law of Nations, than those voluntary Laws of Nations are, in their Source and Power, different from the Law of Nations, properly so called. Indeed those voluntary Laws of Nations are as much under the Controul of the Law of Nations, properly so called, as municipal Laws are under the Controul of the Law of Nature.

thought that the Difference was only in Name; and if only in Name, there could surely be no solid Reason for establishing even that Difference. Of those, who thought so, Puffendorff was one. "Many", says he, "apprehend the Law of Nature and of Nations to be the very "same Thing, differing no otherwise than in external Denomination. Thus Mr Hobbes divides natural Law, into the "natural Law of Men, and the natural Law of States, commonly "called the Law of Nations. He observes that the Precepts of both are "the same; but that States, when once instituted, assume the personal "Properties of Men: ~~and that~~ what we call the Law of Nature, "when we speak of particular Men, we denominate the Law "of Nations, when we apply it to whole States, Nations or People. "This Opinion" continues Puffendorff, "we, for our Part, readily subscribe to. Nor do we conceive that there is any other voluntary or positive Law of Nations, properly vested with a true and legal "Force, and obliging as the Ordinance of a superior Power". By the Way we may here observe that, with Regard to the Law of Nations, Grotius and Puffendorff seem to have run into contrary Extremes. The former was of Opinion that the whole Law of Nations took its Origin and Authority from Consent: The latter was of Opinion that every ~~Kind of~~ Part of the Law of Nations was ~~substantially~~ the same with the Law of Nature, that no Part of it could receive its obligatory Force from ~~his~~ Consent; because according to his favourite Notion of Law, no such Thing could exist without the Intervention of a superior Power. The Truth seems to lie between the two great Philosophers. The Law of Nations, properly so called, or, as it may be termed, the natural Law of Nations, is a Part, and an important Part of the Law of Nature: The voluntary Law of Nations falls under the ~~Arrangement~~ Head of ~~positive Laws~~, that are positive. If a ~~specular~~ particular Name had been appropriated to this last Species of Laws, it is probable that much Confusion and Ambiguity, on this Subject, would have been avoided; and the Distinction between the different Parts of that Law,

+ Puff. 147.

Law, comprehended, at present, under the Name of the Law of Nations, would have been as ~~dis~~ clearly marked, as uniformly preserved and as familiarly taken, as the well known and well founded Distinction between natural and municipal Law. But to return.

As Puffendorff thought that the Law of Nature and the Law of Nations were precisely the same, he has not in his Book on these Subjects, treated of the Law of Nations separately: but has every where joined it with the Law of Nature properly so called.[+] ~~In doing~~ His Example has been followed by the greatest Part of succeeding Writers. But the Imitation of it has produced a Confusion of two Objects, which ought to have been viewed and studied distinctly and apart. Though the Law of Nations, properly so called, be a Part of the Law of Nature; though it springs from the same Source; and though it is attended with the same obligatory Power; yet it must be remembered, that its Application is made to very different Objects. The Law of Nature is applied to Individuals: The Law of Nations is applied to States. The important Difference between the Objects, will occasion a proportioned Difference in the Application of the Law. This Difference in the Application renders it ~~proper~~ fit that the Law of Nations, when applied to States, should receive an appropriate Name, and should be taught and studied as a separate Science.[||]

+ Val. pref. 6.

|| Val. pref. 1.

Though States or Nations are considered as moral Persons; yet the Nature and Essence of these moral Persons differ essentially in many Respects, from the Nature and Essence of the Individuals, of whom they are composed. ~~The Consequence is, that the Application of the Law of Nature to Nations must be made in a Manner different from that in which it is made to Individuals.~~ ~~Though~~ ~~Application of the Law of Nature to Nations must be made in a Manner different from that in which it is made to Individuals.~~ ~~The Application to Individuals must be made in a Manner different from that in which it is made to Nations.~~ ~~But as Nations differ from Individuals, the Application of the Law, suitable to the former must be different from the Application suitable to the latter.~~ To Nations this Application cannot be made with Accuracy, with Justness and with Perspicuity, without the Aid of new and discriminating ~~Principles and Maxims~~ Rules. These ~~Principles and Maxims~~ Rules will ~~show~~ evince that, on the Principles themselves of the Law of Nature, that Law, when applied to Nations, will prescribe Decisions

A.

The application of a law must be made in a Manner suitable to its Object. The application therefore of the Law of Nature to Nations must be made in a Manner suitable to Nations: Its application to Individuals must be made in a Manner suitable to Individuals. But as Nations differ from Individuals; the Application of the Law, suitable to the former, must be different from its application suitable to the latter.

-cisions different from those which it would prescribe, when applied to Individuals. To investigate these Rules; to deduce from the same great and leading Principles Applications differing in Proportion to the Difference of the ~~Objects~~ Persons, to which they are applied in the Object of the Law of Nations, considered as a Science distinct and separate from that of the Law of Nature.

Having given you this general Idea and Description of the Law of Nations; ~~and~~ I expatiate on its Dignity and Importance? The Law of Nations is the Law of Sovereigns. In free States, such as ours, the sovereign or supreme Power resides in the People. In free States, therefore, such as ours, The Law of Nations, ~~therefore~~, is the Law of the People. Let us, again beware of the being misled by an Ambiguity sometimes, such is the Structure of Language, unavoidable. When I say that, in free States, the Law of Nations is the Law of the People; I mean not that it is a Law made by the People, or by Persons their delegated Authority; as, in free States, all municipal laws are. But when I say that, in free States, the Law of Nations is the Law of the People, I mean that, as the Law of Nature — and in other Words, as the Will of Nature's God, it is indispensably ~~able~~ binding upon the People, in whom the sovereign Power resides; and who are, consequently, under the most sacred Obligations to exercise that Power, or to delegate it to such as will exercise it in a Manner agreeable to those Rules and Maxims, which the Law of Nations prescribes to every State for the Happiness of each, and for the Happiness of all. How vast — how important — how ~~solemn~~ interesting are these ~~interesting~~ Truths! They announce to a free People how exalted ~~how exalted~~ their Rights; but at the same Time, they announce to a free People how solemn their Duties* are. If a practical Knowledge and a just Sense of these Rights and these Duties were diffused among the Citizens and properly impressed upon their Hearts and Minds; how great, how beneficial, how lasting would be their Fruits? But, unfortunately, as

* 2. Book. 3.

there have been and there are in arbitrary Governments Flatterers of Princes; so there have been and there are, in free Governments, Flatterers of the People. One Distinction, indeed, is to be taken between them. The latter Herd of Flatterers persuade the People to make an improper Use of the Power which of Right they have: The former Herd persuade Princes to make an improper Use of Power, which, of Right, they have not. In other Respects both Herds are equally pernicious. Both flatter to promote their private Interests: Both betray the Interests of those whom they flatter.

It is of the highest, and, in free States, it is of the most general Importance, that the sacred Obligation of the Law of Nations should be accurately known and duly felt. Of all Subjects it is agreeable and useful to form just and adequate Conceptions; but of those especially which have an Influence on the Practice and Morality of States. For it is a serious Truth, however much it has been ~~disregarded~~ unattended to in Practice, that the Laws of Morality are equally strict with Regard to States as to the Individuals, of whom the States are composed. It must be owing either to Ignorance or to a very ~~reproachable~~ unpardonable Disregard of this great Truth, that ~~the Conduct~~ some Transactions of public Bodies have often escaped Censure, may sometimes have received Applause; though those Transactions have been such, as would have ~~been~~ shamed the Person introducing them to introduce into the Management of his private Affairs; because ~~those Transactions have been such as in~~ ~~troduced into the Management of private Affairs~~ the Person introducing them would have been branded ~~the Person introducing them~~ with the most reproachful of Names, and Characters ~~of Villain~~ ~~to make Contracts is abhorred, among Individuals, to be justly apprehensible: How but it, on some Occasions, been considered by States~~? It has been

long

long admitted, by those who have been the best Judges of private Life and Manners, that ~~Honesty is the best~~ Integrity and sound Policy.

go Rotwegin Hand.

It is high Time that this Maxim should find an Establishment in the Councils of States, and in the Cabinets of Princes. Its Establishment there would diffuse far and wide the most salutary and benign Effects.

Opinions concerning the Extent of the Law of Nations have not be less defective and inadequate, than those concerning its Origin and obligatory Force. Some seem to have thought that this Law respects and regulates the Conduct of Nations only in their Intercourse with one another. ~~Here~~ A very important Branch of this Law — that ~~which~~ contains the Duties which a Nation owes to itself — seems to have escaped their Attention. "The general Principle," says Burlamaqui, "of the Law of Nations, is Nothing more than the general Law of Sociability, which obliges Nations to the same Duties as are prescribed to Individuals. Thus the Law of natural Equality, which prohibits Injury and commands the Reparation of Damage done; the Law of Beneficence, and of Fidelity to our Engagements, are ~~so many~~ Laws ~~with Regard to~~ Respect for Nations, ~~which~~ and impose both on the People and on their respective Sovereigns the same Duties as are prescribed to Individuals."+ Several other Writers concerning the Law of Nations appear to have formed the same imperfect Conceptions with Regard to its Extent. Let us peer to what the Law of Nature dictates to an Individual: Are there not Duties which he owes to himself? Is he not obliged to connect and promote his Preservation, his Freedom, his Reputation, his Improvement, his Perfection, his Happiness? Now that

+ 2. Burl. 3.4. Burl. 196.

we

we have seen the Law of Nature as it respects the Duties of Individuals, let us see the Law of Nations as it respects the Duties of States to themselves; for we must recollect that the Law of Nations is only the Law of Nature judiciously applied to the Conduct of States. From the Duties of States, as well as of Individuals to themselves a Number of corresponding Rights will be found to arise.

The Sources, from which the Law of Nations is to be drawn. Cf. Jan. 62 – 67. Reason – Practice – Authority – Examples – The Roman Law – Treaties

A State ought to attend to the Preservation of its own Existence. In what does the Existence of a State consist? It consists in the Association of the Individuals, of which it is composed. In what consists the Preservation of this Existence? It consists in the Duration of that Association. When this Association is lost dissolved, the State ceases to exist, though all the ~~Indiv~~ Members, of whom it was composed, may still remain. It is the Duty of a State, therefore, to preserve this Association undissolved and unimpaired.

But, in this as in many other Instances, a Difference between the Nature of States and the Nature of Individuals will occasion, ~~as~~ for the Reason we have already mentioned, a proportionate Difference in the Application of the Law of Nature, ~~Differences declared by the general Principles of that Law itself.~~ Nations as well as Men are taught by the Law of Nature, gratuitously ~~and paternally~~ in its Precepts, to consider their Happiness as the great End of their Existence: But without Existence there ~~is no~~ can be no Happiness: The Means, therefore, must be secured in order to secure the End. But yet between the Duty of self-preservation required from a State and the Duty of self-preservation required from a Man there is a most material Difference: And this Difference is founded on the Law of Nature itself. A Nation has a Right to assign, to its Existence, a voluntary Termination: A Man has not. What can be the Reasons of this Difference? Several may be given. By the voluntary Act of the Individuals

as forming the Nation, the Nation was called into Existence: ~~Whatever~~ They who bind can also unbind: By the voluntary Act, therefore, of the Individuals forming the Nation, the Nation may be reduced to its original Nothing. But it was not by his own voluntary Act that the Man made his Appearance upon the ~~Stage~~ Theatre of Life; he cannot, therefore, plead the Right of the Nation, by his own voluntary Act to make her Exit. He did not make; therefore he has no Right to destroy himself. He alone, whose Gift this State of Existence is, has the Right to say how and when it shall receive its Termination.

Again; though Nations are considered as moral Persons; and, in that Character, as entitled in many Respects, to claim the Rights, and as obliged, in many Respects, to perform the Duties of natural Persons; yet we must always remember that those moral Persons are composed, that for the sake of natural Persons those moral Persons were formed; and that, ~~though~~ while we suppose those moral Persons ~~are supposed~~ to live and act, we know that they are natural Persons alone, who really exist or feel, who really deliberate, resolve and execute. Now none of these ~~Reasonings can be drawn~~ Observations resulting from the Nature and Essence of the Nation can be applied, with any Degree of Propriety, to the Nature and Essence of the Man: And, therefore, the Inferences ~~deduced~~ drawn from these Observations, with Regard to the Case of the Nation, are ~~equally~~ wholly inapplicable to the Case of the Man.

One of these Inferences is — that as it was for the ~~sake~~ of Happiness of the Members that the ~~political~~ moral Existence of the ~~State~~ Nation was produced; so the Happiness of the Members may require this ~~political~~ moral Existence to be annihilated. ~~But~~ This Inference can be applied to the Man.

Further; there may be a moral Certainty that of the voluntary Dissolution of the Nation the necessary Consequence:

-quence will be an Increase of Happiness: Can such a Conse-
-quence be predicted, with moral Certainty, concerning the voluntary Death of the Man?

This Instance shews, in a striking Manner, how, on some Occasions, the Law of Nature, when applied to a Nation, may dictate or authorise a ~~Rule~~ Measure of Conduct very different from that which it would authorise or dictate with Regard to a Man.

L. 13. As it is, in general, the Duty of a State to preserve itself; so it is, in general, its Duty to preserve its Members. This is a Duty, which it owes to them, and to itself. It owes it to them, because their Advantage was the final Cause of their joining in the Association; and they ought not to be deprived of this Advantage, while they and engagedly to support it fulfil the Conditions, on which it was stipulated. This Duty the Nation owes to itself; because the Loss of its Members is a proportionable Loss of its Strength; and the Loss of its Strength is proportionably injurious both to its Security and to its Preservation. The Result of these Principles is, that the Body of a Nation ~~cannot~~ should not totally abandon a ~~State~~, a City, or even an Individual, who has not forfeited his Rights in the Society.

The Right and Duty of a State to preserve its Members is subject to the same Limitations and Conditions, as its Right and Duty to preserve itself. As, for some ~~Occasions~~ Reasons, the ~~Nation~~ Society may be dismembered; so, for others, it may be dismembered. A Part may be separated from the other Parts; and that Part may either become a new State, or may associate with another State already formed. An Illustration of this Doctrine may be drawn from a recent Instance, which has happened in the Commonwealth of Virginia. The District of Kentucky has, by an amicable Agreement, been disjoined from the Rest of the Commonwealth, and has been formed into a separate State. It is a Pleasure - perhaps I may add - it is a laudable Pride to be able to furnish to the World the first Examples of carrying into Practice the most sublime Parts of the most sublime Theories of Government and Law.

When a Nation has a Right, and is under ~~the~~ an Obligation to preserve itself and its Members; it has, by a necessary Conse-
-quence,

-quence, a Right to do every Thing, which, without injuring others, it can do, in order to accomplish and secure those Objects. The law of Nature prescribes not Impossibilities: It imposes not an Obligation without giving a Right to the necessary Means of fulfilling it. The same Principles, which assure the Right of a Nation to do every Thing which it lawfully may for the Preservation of itself and of its Members, assures its Right also to avoid and prevent as much as it lawfully may, every Thing, which would load it with Danger or Loss or threaten it with it.

† Vat. 13.

" Vat. 13.

A State should aim at its own Perfection

It is the Right and generally it is the Duty of a State to form a Constitution and to establish Laws, and to establish and to regulate civil government. If the Constitution formed, or the Government established, or the Laws established, shall, on Experience, be found weak or inconvenient or pernicious, it is the Right, and it is the Duty of the State to strengthen or alter or abolish them. These Subjects will be fully treated in another Place.

= Vat. b. 1. c. 27–37. Dr. Com. Co. Ci. 1744. Vat. 71.

A Nation ought to know itself. It ought to form a just Estimate of its own Situation both with Regard to itself and to its Neighbours. It ought to learn the Excellences, and the Blemishes, or Defects, or Imperfections of its own Constitution. It ought to review the Progress which it has already made, or attained; and it ought to ascertain those in which it yet falls short of a practicable Degree of Perfection. It ought to find out what particular Improvements are practicable, necessary to be promoted, and what Faults it is practicably necessary to avoid. Without a discriminating Sagacity of this Kind, the Principle of Imitation, intended for the wisest Purposes in States as well as in Individuals, would be always an uncertain, sometimes a dangerous Guide. A Measure extremely salutary to one State, might be extremely injurious to another. What, in one Situation, would be productive of Peace and Happiness, might, in another, be the unfortunate Cause of Infelicity and War. Above all Things, the Genius

Genius and Manners of the People ought to be ~~accurately known and~~ carefully consulted. The Government ought to be administered agreeably to this Genius and these Manners; but how can this be done, if this Genius and these Manners are unknown. This Duty of self knowledge is of vast Extent and of vast Importance in Nations as well as in Men.

+ Val. 15. 21.

To love and to deserve honest Fame is another Duty of a People as well as of an Individual. The Reputation of a State is not only a pleasant; it is also a valuable Possession. It attracts the Esteem; it represses the unfriendly Sentiments of its Neighbours. This Reputation is acquired by Virtue, and by the Conduct, which Virtue inspires. It is founded on the public Transactions of the State, and on the private Behaviour of its Members.

" Val. 83.

A State should avoid Ostentation; but it should support its Dignity. ~~Its Dignity~~ This should never be suffered to be degraded among other Nations. In Transactions between States, an Attention to this Object is of much great Importance than is generally imagined. Even the Marks and Titles of Respect, to which the Nation, and those, who represent a Nation are entitled, ought not to be considered as trivial: They should be ~~[illegible]~~ claimed with Firmness: They should be given with Alacrity. The Dignity, the Equality, ~~and~~ the mutual Independence and the frequent Intercourse of Nations render such a Tenor of Conduct altogether indispensable.

= Val. 135. 137.

It is the Duty of a Nation to entrust the Management of its Affairs only to its wisest and best Citizens. The immense Importance of this Duty is easily seen; but is not sufficiently regarded. The meanest Personal of a Family will not be received without Examination and Caution and Enquiry. The ~~first the important Interests of the Public ~~ most ~~ptate of a Commonwealth~~ will be shoved in without Consideration and without Care. In electioneering, as it is called, we frequently find warm Recommendations and active Endeavours

trigues in Favour of those Candidates for the highest Offices, to whom the Recommenders and Intriguers would not, if put to the Test, entrust the Management of the smallest Part of their own private Estates Interest. An Election Ground, the Theatre of original Sovereignty, on which ~~many~~ ~~where~~ Nothing but unimpeachable Integrity and independent Virtue should be exhibited, is often and lamentably transformed into a Scene of the vilest and lowest Debauchery and Deception. An Election-Manoeuvre, an Election Story, an Name appropriated to Conduct, which ~~with~~ in other and inferior Transactions, would be branded and justly branded with the most opprobrious Appellations. ~~The Remarks, which I have made concerning~~ Even those, who may safely be trusted every where else, will play false at Elections. The Remarks, which I have made concerning general Elections, may be together made, with equal Truth, concerning other Appointments to Offices. But these Things ought not to be. A When the Obligation and the Importance of the great national Duty required at Elections of a Duty prescribed by them, who made it free — a Duty frequently, that it may be sufficiently designed and proven and felt; these Things will not be. The People will then ~~act~~ elect conscientiously; and will require conscientious Conduct from those, whom they elect.

A Nation ought to encourage true Patriotism in its Members. The first Step towards this Encouragement is to distinguish between its real and its pretended Friends. The Discrimination, it is true, is often difficult, sometimes impracticable; but it is equally true, that it may frequently be made. Let the same Care be employed — let the same Pains be taken to ascertain the Marks of Deceit and the Marks of Sincerity in public Life and in intriguing for public Offices, which are usually taken and employed in private Life, and in Solicitations for Acts of private Friendship: The Care and

Pains

A: When the Obligation and the Importance of the great national Duty required at Elections — a Duty prescribed by him, who made us free — a Duty prescribed that we may continue free — When all this shall be sufficiently discussed and known and felt; these Things will not be. The People will then act consciously; and

Parts will sometimes indeed, be fruitless; but they will sometimes, too, be successful; at all Times they will be ~~this~~ faithful Witnesses, that those, who have employed them, have discharged their Duty.

If a Nation establish itself, or extend its Establishment in a ~~new~~ Country, already inhabited by others; it ought to observe strict Justice with both Strangers, with the former Inhabitants. This is a Part of the Law of Nations that very nearly concerns the United States. It ought, therefore, to be well understood. The whole Earth is allotted for the Nourishment of its Inhabitants; but it is not sufficient for this Purpose, unless they aid it by Labour and Culture. The Cultivation of the Earth, therefore, is a Duty incumbent on Man by the Order of Nature. Those Nations, that live by Hunting, and have more Land, than is necessary even for the Purposes of hunting, should transfer it to those who will make a more advantageous Use of it: Those who will make this Use of it ought to pay, for this, an adequate Equivalent. Even when the Lands are no more than sufficient for the Purposes of Hunting; it is the Duty of the new Inhabitants, if advanced in Society, to teach, and it is the Duty of the original Inhabitants, if less advanced in Society, to learn the Arts and Uses of Agriculture. ~~By these Means the Intentions of Nature are~~ This will enable the latter gradually to contract and the former gradually to extend their Settlements, till the Science of Agriculture is equally improved in both. By these Means, the Intentions of Nature will be fulfilled; the old and the new Inhabitants will be mutually satisfied; Peace will be preserved, and Justice will be done.

Vat. 37. 38. 89-91. Hutch. 326. Gr. Com. 31. 32.

It is the Duty of a Nation to augment its Numbers. The Performance of this Duty will naturally result from the Discharge of its other Duties: By discharging them the Number of Persons born in the Society will be encreased; and Strangers will be invited to wish a Participation in its Blessings. Among other Means of encreasing the Number of Citizens, there are three of peculiar Efficacy. The first is, easily to receive all Strangers of good Character; and to communicate to them the Advantages of Liberty. The State will be thus filled

with

with Citizens, who will bring with them Commerce and the Arts, and a rich Variety of Manners and Character. Another Means conducive to the same End is to encourage Marriages. These are the Pledges of the State. A third Means for augmenting the Number of Inhabitants is, to preserve the Rights of Conscience inviolate.+ The Right of private Judgment is one of the greatest Advantages of Mankind; and is always considered as such. To be deprived of it is insufferable. To enjoy it lays a Foundation for that Peace of Mind, which the Laws cannot give, and for the Loss of which the Laws can offer no Compensation.

+ Mill. 190. 191. 368.

" 2. Burl. 227.

A Nation should aim at its Perfection. The Advantage and Improvement of the Citizens are the Ends proposed by the social Union. Whatever will render that Union more perfect will promote these Ends. The same Principles, therefore, which shew that a Man ought to procure the Perfection of his Nature, will shew likewise that the Citizens ought to contribute every Thing in their Power towards the Perfection of the State. This Right ~~and the Duty~~ involves the Right ~~and the Duty~~ of preventing and avoiding every Thing which would impede or retard the Progress of the State towards its Perfection: It also involves the Right of acquiring every Thing, without which its Perfection cannot be promoted or obtained.

= Val. 13. 14.

Happiness is the Centre, to which Men and Nations are attracted: It is, therefore, the Duty of a Nation to consult its Happiness. In order to do this, it is necessary that the Nation be instructed to search for Happiness where Happiness is to be found. The first Impressions that are made first, sink deepest; they frequently continue through Life. That Seed, which is sown in the tender Minds of Youth, will produce Abundance of Good, or Abundance of Evil. The Education of Youth, therefore, is of Prime Importance to the Happiness of the State. The Arts, the Sciences, Philosophy, Virtue and Religion, all contribute to the Happiness: All therefore ought to procure the Encouragement of the Nation. For this, Manners public and private Felicity will go Hand in Hand, and mutually assist one another in their Progress.*

* Val. 47–54.

When

When Men have formed themselves into a State or Nation, they may reciprocally enter into particular Engagements, and, in this Manner, contract new Obligations in Favour of the Members of the Community; but they cannot, by this Union, discharge themselves from any Duties which they previously owed to those, who form no Part of the Union. They continued under all the Obligations required by the universal Society of the human Race — the great Society of Nations. The Law of that great and universal Society requires that each Nation should contribute to the Perfection and Happiness of others. It is, therefore, a Duty which every Nation owes to itself to acquire those Qualifications, which will fit and enable it to discharge those Duties, which it owes to others. What those Duties are, we shall now very concisely and summarily enquire.

Vat. 4. 124.

The first and most necessary Duty of Nations as well as of Men, is to ~~abstain from~~ do no Wrong or Injury. Justice is a ~~grand Law~~ of Nations. If the Law of the great Society requires, as we have seen it to require, that each should contribute to the Perfection and Happiness of others; the ~~lowest~~ first Degree of this Duty surely is: that each should abstain from every Thing, which would positively impair that Perfection and Happiness. This great Principle prohibits one Nation from exciting Disturbances in another, from seducing its Citizens, from depriving it of its natural Advantages, from calumniating its Reputation, from debauching the Allegiance of its Allies, from fomenting or encouraging the Hatred of its Enemies. If, however, a Nation, in the necessary Prosecution of its own Duties and Rights, does what is disagreeable or even incommodious to another; this is not to be considered as an Injury; it ought to be viewed as the unavoidable Result, and not as the governing Principle of its Conduct. If, at such Conduct, Offence is taken; it is the Fault of "that Nation, which takes, not of that Nation, which occasions it.

"Vat. 126. 127.

But

But Nations are not only forbidden to do Evil; they are also commanded to do Good to one another. The Duties of Humanity are incumbent upon Nations as well as upon Individuals. An Individual cannot subsist, at least he cannot subsist comfortably, by himself. What is true concerning one, is true concerning all. Without mutual good Offices and Assistance, therefore, Happiness could not be procured, perhaps, Existence could not be preserved. Hence the Necessity of the Duties of Humanity among Individuals. Every one is obliged, in the first Place, to do what he can for himself, in the next, to do what he can for others, beginning with those, with whom he is most intimately connected. The Consequence is that each Man is obliged to perform ~~for~~ give to others every Assistance, for which they have a real Occasion, and which he can give without being wanting to himself. What each is in obliged to perform for others, from others he is entitled to receive. Hence the Advantage as well as the Duty of Humanity. These Principles receive an Application to States as well as to Men. Each Nation owes to every other the Duties of Humanity. It is true, there may be some Difference in the Application, in this as well as in other Instances; but the Principles of the Application are the same. A Nation can subsist by itself, more securely and more comfortably than an Individual can: therefore ~~mutual~~ the Duty of mutual Assistance, will not, at all Periods, be equally indispensable, or return with equal Frequency: But when it becomes, as it may become, equally indispensable, and when it returns, as it may return, with equal Frequency; it ought, in either Case, to be equally performed. One Individual may attack another ~~daily~~: A longer Time is necessary for the

Aggression

Assistance of one Nation upon another. The Assistance therefore which ought to be given to the Individual daily, will be necessary for the Nation only at more distant Intervals of Time. But between Nations, what the Duties of Humanity lose in Point of Frequency, they gain in Point of Importance, in Proportion perhaps to the Difference between a single Individual and all those Individuals, of which the Nations are composed.

+ Vol. 120–122.

One Nation ought to give to another not only the Assistance necessary to its Preservation, but that also, which is necessary to its Perfection, whenever it is wanted, and whenever, consistently with other ~~Duties~~ superior Duties, it can be given. ~~In what~~ By what cases, in which Assistance ought to be demanded, and how, in which cases it ought to be given, must be decided respectively by that Nation, which demands, and by that ~~which is to give~~ the Demand is made. It is incumbent on each to decide properly, and ~~neither~~ not to make and not to refuse, without strong and reasonable Cause.

" Vol. 122. 123.

It may, perhaps, be uncommon; but it is certainly just, to say that Nations ought to love one another. The Offices of Humanity ought to flow from this pure Source. When this happy is the Case, then the Principles of Affection and of Friendship prevail among States as among Individuals; then ~~they~~ Nations will mutually support and assist each other with Zeal and Ardour; lastly Peace will be the Result of unshaken Confidence, and kind and generous Principles, of a Nature far opposite to mean Jealousy, crooked Policy or cold Prudence, will govern and prosper the Affairs of Men. And why should not this be the Case? When a Number of Individuals, by the social Union, become fellow-Citizens; can they, by that Union, divest themselves of that Relation, which subsists between them and the other – the far greater Part of the human Species? With Regard to those, can they cease to be Men?

Vol. 124.

The

The Love of Mankind is an important Duty and an exalted Virtue. Much has been written, much has been said concerning the ~~intel~~ intellectual Power of Abstraction which Man possesses, and which distinguishes him so eminently from the inferior Orders of Animals. But little has been said, and little has been written concerning another Power of the human Mind, still more dignified; and, beyond all Comparison, more amiable — I may call it the Power of moral Abstraction.

All Things in Nature are Individuals: But when a Number of Individuals have a near and striking Resemblance, ~~and we~~ we, in our Minds, class them together, and refer them to a Species, to which we assign a Name. Again; when a Number of Species have a Resemblance, though not so near

and

and striking, we, in the same Manner, dop them also together, and refer them to a Genus, to which we likewise assign a Name. Different Genera may have a Resemblance though still ~~more general~~ less close and striking, we refer them to an higher Genus, till we arrive at Being, the highest Genus of all. This is the Progress of intellectual Abstraction

We are possessed of a moral Power, similar in its Nature, and in its Progress — a Principle of good Will as well as of Knowledge. This Principle of Benevolence is indeed primarily and chiefly directed towards Individuals, those especially, with whom we are or wish to be most intimately connected. But this Principle, as well as the other, is ~~capable~~ capable of Abstraction, and of embracing general Objects. The Culture, the Improvement and the Extension of this Principle ought to have made, as in the Estimation of Philosophers, as important a Figure among the moral, as the other

other has made among the intellectual Powers and Operations of the Mind; for it is susceptible of equal Culture, of equal Improvement, and of equal Extension.

"After having, says the illustrious Necker in his Book concerning the Importance of religious Opinions, proved myself a Citizen of France, by my Administration, as well as my Writings, I wish to unite myself to a Fraternity still more extended — that of the whole human Race: Thus, without dispersing our Sentiments, we may be able to communicate ourselves a great Way off, and enlarge, in some Measure, the Limits of our Circle: Glory be to our thinking Faculties for it! To that spiritual Portion of ourselves, which can take in the past, dart into Futurity, and intimately associate itself with the Destiny of Men of all Countries, and of all Ages."+

+ Nick.r. Imp. 19.

To the same Purpose is the Sentiment of Cicero, in his beautiful Treatise on the Nature and Offices of Friendship. "In tracing the

the sacred Laws of Nature, says he, it seems evident, that Man, by the Frame of his moral Constitution is supposed to consider himself as standing in some Degree of social Relation to the whole Species in general; and that this Principle acts with more or less Vigour, according to the Distance at which he is placed with Respect to any particular Community, or Individual of his Kind.+

+Cic. Am. c. 5.

L. 14.

This Principle of Benevolence and Sociability, which is not confined to one Clime or to one State, but ranges excursive through the whole expanded Theatre of Men and Nations, instead of being always acknowledged and always recommended, as it ought to have been, has been altogether omitted by many Philosophers: By some, its Existence seems to have been doubted or denied.

"Some Sort of Union, says Rutherforth in his Institutes of natural Law, there is between all

all Nations: They are all included in the ab-
-stract Idea of Mankind; and are frequently
spoken of under this general Name. But there
is not a social Union: The several Parts of this
collective Idea, whether we consider the great
Body of Mankind as made up of Indivi-
-duals or of Nations, are not connected, as the
several Parts of a civil Society are, by Compact
amongst themselves. The Connexion is merely
rational, and is only made by the Mind for
its own Convenience."+

+ 2. Rutherf. 463. 464.

The very enlarged active Power, ~~Virtue~~, concerning
which I speak is, to this Day, so far as I know,
without an appropriated Name. We sometimes call it
Patriotism by a figurative Extension of that
Term, which, in its proper Meaning, denotes
a Circle of Benevolence ~~circumscribed~~ limited by
the State, of which one is a Member. When we
speak of the Man, who possesses this the most exalted of all Characters — of
Virtue, we ~~characterize~~ generally describe him, by a Metaphor, — a Citi-
-zen of the World. A "Man of the World,"
which

xx The term Philanthropy, approaches near, but does not reach it.

which would be the more natural Expression, though it is in common Use, is used to convey a very different Signification.

If the general Observations, which, in a former Letter, I had an Opportunity of making concerning the Nature, the Structure and the Evidence of Language, be well founded; the particular Remarks I have now made will appear to be striking and just.

This Power of moral Abstraction should be exercised and cultivated with the highest Degree of Attention and Zeal. It is as necessary to the Progress of exalted Virtue, as the Power of intellectual Abstraction is to the Progress of extensive Knowledge. The Progress of the former will be accompanied with ~~our~~ a Degree of Pleasure, of Utility and of Excellence, far superior to any Degree of those Qualities, which can accompany the latter.

The

The purest Pleasures of mathematical Learning ~~arise~~ spring from the Source of accurate and extended intellectual Abstraction. But those Pleasures, pure as they are, ~~cannot~~ must yield the Palm to those, which arise from Abstraction of the moral Kind.

By this Power, exerted in different Proportions, the Commonwealth of Pennsylvania, the Empire of the United States, the civilized and commercial Part of the World, the Inhabitants of the whole Earth become Objects of ~~the warmest~~ a Benevolence, the warmest, and ~~the most patri~~ ~~the~~ a Spirit the most patriotic; for Custom, the Arbitress of Language, has not yet ascribed a more appropriate Epithet. By this Power, a Number of Individuals, who considered separately, may be so minute, so unknown, or so distant, as to elude the Operations of our Benevolence; yet, comprehended under one important and distinguished Aspect, may become a general and complex Object, which

will

will warm and dilate the ~~Heart~~ Soul. By this Power the Capacity of our Nature is enlarged; ~~things~~ Men, otherwise invisible, are rendered conspicuous, and become known to the Heart as well as to the Understanding.

This enlarged and elevated Nature ought to be cultivated by Nations with peculiar Assiduity and Ardour. The Sphere of Exertion, to which an Individual is confined, is frequently narrow, however enlarged his Dispositions may be. But the Sphere ~~of Exertion~~, to the Extent of which a State may exert herself, is often comparatively boundless. By exhibiting a glorious Example in her ~~Laws~~, Constitution in her Laws, or the Administration of her Constitution and Laws, she may ~~diffuse~~ ~~without, she may~~ Reform; she may diffuse Instruction; or, she may diffuse Happiness over the whole terrestrial Globe.

How often — and how fatally an Expression and Sentiment prevented! How often

often and how fatally is perverted Conduct the the unavoidable and inveterate Effect of perverted Sentiment and Expression! What immense Treasures have been exhausted — what Ocean of human Blood have been ~~shed~~ spilt in France and England by Force of the Expression "natural Enemy." 'Tis an unnatural Expression. The Antithesis is truly in the Thought: For natural Enmity forms no Title in the genuine Law of Nations, ~~or of Nature~~ Part of the Law of Nature. It is adopted from a spurious Code.

The Rules and Maxims of natural Law though they are the sacred, the invariable and the exalted Precepts of Nature, and of Nature's Author, have been long unknown and unacknowledged among Nations. Even when they have been known and acknowledged, their calm still Voice has been drowned by the ~~Importunities~~ Solicitations of Interest, the Clamours of Ambition, and the Thunders of War. Many of the ancient Nations conceived themselves to

be

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Ost. 1825